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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,190	12/09/1999	BRADLEY CAIN	2204/185	8564

2101 7590 04/28/2003  
**BROMBERG & SUNSTEIN LLP**  
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EXAMINER

VO, LILIAN

ART UNIT	PAPER NUMBER
2127	6

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRe

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/458,190	CAIN, BRADLEY
	Examiner Lilian Vo	Art Unit 2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 December 1999.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 December 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Claims 1 – 15 are presented for examination.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1** recites “an operation” on page 8, line 5. Is that referring to another operation or is it the same operation as recited in the preamble of the claim, on line 3? For the purpose of the examination, the examiner will assume that it is referring to the same operation on line 3.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5 – 7, 10 - 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lim (US. Pat. 6,430,640).

Regarding **claim 1**, Lim discloses a method for expediting an operation in a computer system (col. 15, lines 8 – 29), the method comprising:

maintaining an operating system task for performing an operation (col. 15, lines 8 – 29);  
executing the operating system task at a low priority level prior to performing the operation (col. 15, lines 8 – 29); and  
raising the operating system task to a high priority level in order to perform the operation (col. 15, lines 8 – 29).

Regarding **claim 2**, Lim discloses the method of claim 1, wherein raising the operating system task to the high priority level in order to perform the operation comprises:

detecting a trigger condition indicating that the operation is to be performed (col. 15, lines 8 – 29); and  
raising the operating system task to the high priority level upon detecting the trigger condition (col. 15, lines 8 – 29).

Regarding **claim 5**, Lim disclose the method of claim1, further comprising:  
lowering the operating system task to the low priority level upon completion of the operation (col. 15, lines 8 – 29).

**Claims 6, 7, 10 – 12 and 15** are rejected on the same ground as stated above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 4, 8, 9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (US Pat. 6,430,640) in view of Applicant's admitted prior art.

Regarding **claim 3**, Lim did not clearly teach the operating system task is a routing task, and the trigger condition comprises receipt of a link state advertisement protocol message including link status information. Nevertheless, these limitations are taught in the applicant's admitted prior art, which can be found on page 1, lines 19 – 31. Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to incorporate these features, which admitted by the applicant's prior art to Lim's invention to provide the communication network with various types of routing protocol.

Regarding **claim 4**, Lim did not clearly teach the operation is Dijkstra shortest path computation utilizing the link status information received in the link state advertisement protocol message. Nevertheless, this limitation is taught in the applicant's admitted prior art, which can be found on page 1, lines 19 –31. Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to include this teaching, which admitted by the applicant's prior art to Lim's invention to provide the system with the capability in determining the shortest route in the communication network.

**Claims 8, 9, 13 and 14** are rejected on the same ground as stated above.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is (703) 305-7864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Lilian Vo  
Examiner  
Art Unit 2127

lv  
April 10, 2003

*JF*  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100